

AO 451 (Rev.12/93) Certification of Judgment

2:06-ms-00043-NA-NA

UNITED STATES DISTRICT COURT

2006 MAY 18 DISTRICT OF

NEW MEXICO

KABANA INC.

COURT REPORTER
IN THE DISTRICT OF NEW MEXICO

V.

DEPUTY

BEST OPAL INC.

**CERTIFICATION OF JUDGMENT
FOR REGISTRATION IN
ANOTHER DISTRICT**

Case Number: 05 cv 1101 WJ/CS

I, Matthew J. Dykman Clerk of the United States district court certify that the
attached judgment is a true and correct copy of the original judgment entered in this action 5/8/2006, as it
Date

appears in the records of this court, and that

No notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal
Rules of Appellate Procedure has been filed.

IN TESTIMONY WHEREOF, I sign my name and affix the seal of this Court.

5/8/2006

Date

Matthew J. Dykman
Clerk

Viveta Verma
(By) Deputy Clerk

*Insert the appropriate language: ...“no notice of appeal from this judgment has been filed, and no motion of any kind listed in Rule 4(a) of the Federal Rules of Appellate Procedure has been filed.” ...“no notice of appeal from this judgment has been filed, and any motions of the kinds listed in Rule 4(a) of the Federal Rules of Appellate Procedure (†) have been disposed of, the latest order disposing of such a motion having been entered on [date].” ...“an appeal was taken from this judgment and the judgment was affirmed by mandate of the Court of Appeals issued on [date]. ...“an appeal was taken from this judgment and the appeal was dismissed by order entered on [date].”

(†Note: The motions listed in Rule 4(a), Fed. R. App. P., are motions: for judgment notwithstanding the verdict; to amend or make additional findings of fact; to alter or amend the judgment; for a new trial; and for an extension of time for filing a notice of appeal.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KABANA, INC.,

Plaintiffs,

v.

No. CV 05-1101 WJ/LCS

BEST OPAL, INC.,

Defendants.

FINAL JUDGMENT AND PERMANENT INJUNCTION

This matter comes before the Court on Plaintiff Kabana, Inc.'s Motion for Entry of Default Judgment (Doc. 5). The Court having previously entered its Memorandum Opinion and Order Granting In Part Motion for Default Judgment on March 13, 2006 (Doc. 8), and having conducted an evidentiary hearing as to Plaintiff's damages claim pursuant to Fed. R. Civ. P. 55(b)(2), at which hearing the Court considered the pleadings, arguments, testimony and evidence submitted, the Court determined that final judgment should be entered as to Plaintiff's Motion.

THEREFORE,

It is ORDERED:

1. The Court, in conjunction with this Final Judgment and Permanent Injunction, has adopted and filed separately herein its Findings of Fact and Conclusions of Law.
2. Defendant, Best Opal, Inc., its agents, servants, employees, and all persons acting under Defendant's permission and authority, are permanently enjoined and restrained pursuant to 17 U.S.C. § 502, from infringing, in any manner, the copyrighted Work owned by Kabana.
3. Defendant and all persons acting in concert with them are ordered to immediately stop the sale, advertisement, and distribution of any and all infringing work.

4. Defendant and all persons acting in concert with Defendant are ordered to immediately ship any and all infringing pieces, including any molds, models, casts, rubbers, and/or silvers of the infringing pieces, to counsel for Plaintiff at the following address so that those items may be destroyed:

Justin R. Jackson, Esq.
Peacock Myers, P.C.
201 Third Street NW
Suite 1340
Albuquerque, New Mexico 87102

5. Plaintiff is awarded against Defendant, and Defendant is ordered to pay to Plaintiff, statutory damages pursuant to 17 U.S.C. § 504(c)(2) in the amount of \$150,000.00 for each of the four (4) infringed works, for total statutory damages of \$600,000.00.

6. Plaintiff is awarded against Defendant, and Defendant is ordered to pay to Plaintiff, costs including reasonable attorney's fees, pursuant to 17 U.S.C. § 505 in the amount of \$23,375.99.

7. Defendant is ordered to pay Plaintiff post-judgment interest on the total damages awarded and the total fees and costs awarded, from the date of entry of this Judgment until paid, at the rate provide in accordance with 28 U.S.C. § 1961.

8. The judgment and rulings contained in the Memorandum Opinion and Order Granting In Part Motion for Default Judgment on March 13, 2006 (Doc. 8) are adopted and incorporated herein.

9. This a final judgment.



Honorable William P. Johnson
United States District Judge

CERTIFIED a True Copy of the
original filed in the office
of the Clerk

by 
Deputy

United States District Court District of New Mexico

Document Verification

Case Title: Kabana, Inc. v. Best Opal Inc.

Case Number: 05cv01101

Office:

Document Information

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Filer Information

Submitted By: Martha A. Garcia

Comments: JUDGMENT by District Judge William P. Johnson and permanent injunction AS FURTHER DESCRIBED HEREIN.

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